

AGRICULTURE AFFAIRS COMMITTEE

ADMINISTRATIVE RULES REVIEW

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2006 Legislative Session

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AGRICULTURE AFFAIRS

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.03.03 - RULES GOVERNING PESTICIDE AND CHEMIGATION USE AND APPLICATION

DOCKET NO. 02-0303-0501

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section 22-3421, Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. The pesticide Container Recycling Program is a voluntary program that involves the collection of empty pesticide containers throughout the state for recycling. The number of pesticide containers collected in this program continues to increase every year and is currently near maximum capacity. This fee increase will allow ISDA to meet the increasing demand for this program. In addition, the USEPA is currently considering a rule revision to make recycling pesticide containers mandatory. This rule change will increase the amount of the annual fee for an annual pesticide registration from \$145 to \$160 per product per calendar year and will allow the Container Recycling Program to continue to collect empty pesticide containers without a major disruption in service to the industry. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the October 5, 2005 Idaho Administrative Bulletin, Vol. 05-10, pages 33 and 34.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 22-3421, Idaho Code. The annual fee for the registration of pesticides in Idaho will be increased from \$145 to \$160 per product per year. Approximately 0.1% of pesticide registrants are located in Idaho (19 of 1,237).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact George Robinson, Bureau Chief (208) 332-8593.

DATED this 14th day of November, 2005.

AGRICULTURE AFFAIRS

DEPARTMENT OF AGRICULTURE
Pesticide and Chemigation Use and Application

Docket No. 02-0303-0501
PENDING FEE RULE

Patrick A. Takasugi, Director
Idaho State Department of Agriculture
2270 Old Penitentiary Road, Boise, ID 83712
Phone (208) 332-8500; Fax: (208) 334-2170

The Following Notice Was Published With The Proposed Rule

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 22-3421, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than October 19, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The pesticide Container Recycling Program is a voluntary program that involves the collection of empty pesticide containers throughout the state for recycling. The number of pesticide containers collected in this program continues to increase every year and is currently near maximum capacity. This fee increase will allow ISDA to meet the increasing demand for this program. In addition, the USEPA is currently considering a rule revision to make recycling pesticide containers mandatory. This rule change will increase the amount of the annual fee for an annual pesticide registration from \$145 to \$160 per product per calendar year and will allow the Container Recycling Program to continue to collect empty pesticide containers without a major disruption in service to the industry.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased:

The annual fee for the registration of pesticides in Idaho will be increased from \$145 to \$160 per product per year. Approximately 0.1% of pesticide registrants are located in Idaho (19 of 1,237).

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: N/A

NEGOTIATED RULEMAKING: Negotiated rulemaking was not conducted.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN

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**DEPARTMENT OF AGRICULTURE
Pesticide and Chemigation Use and Application**

**Docket No. 02-0303-0501
PENDING FEE RULE**

COMMENTS: For assistance on technical questions concerning the proposed rule, contact George Robinson, Bureau Chief at (208) 332-8593.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 26, 2005.

DATED this 22nd Day of August, 2005.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

200. FEES.

01. Pesticide Registration. On and after July 1, 2007~~6~~, one hundred ~~forty-five~~ sixty dollars (\$~~145~~60) per product. (~~3-30-01~~)()

02. Professional Applicator's License. On and after July 1, 1996, one hundred twenty dollars (\$120) per licensing period of fourteen (14) months or more, sixty dollars (\$60) per licensing period of thirteen (13) months or less. (3-20-97)

03. Pesticide Dealer's License. Beginning August 31, 2000, one hundred dollars (\$100) per licensing period of fourteen (14) months or more, fifty dollars (\$50) per licensing period of thirteen (13) months or less. Prior to August 31, 2000, fifty dollars (\$50) for an annual license or partial year if the license is issued after August 31, 1999. (4-5-00)

04. Private Applicator's License. A Restricted Use Category, ten dollars (\$10); a Chemigation Category, twenty dollars (\$20); or thirty dollars (\$30) for both categories. (3-20-97)

05. Examination Fee per Examination Category. Ten dollars (\$10). (3-20-97)

AGRICULTURE AFFAIRS

IDAPA 02 - DEPARTMENT OF AGRICULTURE

02.06.01 - RULES GOVERNING THE PURE SEED LAW

DOCKET NO. 02-0601-0501

NOTICE OF RULEMAKING - ADOPTION OF PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Sections 22-418(4) and 22-418(11), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change. In order to eliminate debt and secure a solid financial footing for the Idaho State Seed Lab, additional service fee revenues in the amount of approximately \$100,000 will be required. The proposed rule will increase the fees for germination, purity, and tetrazolium testing for basic classes of seed, increase the hourly fee, and increase the fee for the Out-of-State Seed Dealer's License. Without an increase in revenues, the Department may be forced to close or curtail the services of the Idaho State Seed Lab. The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the August 3, 2005 Idaho Administrative Bulletin, Vol. 05-8, pages 21 through 30.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 22-418(4), Idaho Code. Germination fees will increase by an average of \$3.85, purity fees by an average of \$5.05, and tetrazolium fees by an average of \$16.45. The rush fee will increase from \$20 to \$25. The hourly fee will increase from \$38.50 to \$40. The Out-of State Seed Dealer's License will increase from \$250 to \$350.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: There will be no fiscal impact on the state general fund, but rather an anticipated positive impact to the Agriculture Department Inspection Account of approximately \$100,000 per year.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Thomas Dayley, Administrator, Plant Industries Division, or Nancy Stouffer, Bureau Chief at (208) 332-8620.

DATED this 10th day of November, 2005.

Patrick A. Takasugi, Director

AGRICULTURE AFFAIRS

**DEPARTMENT OF AGRICULTURE
Rules Governing the Pure Seed Law**

**Docket No. 02-0601-0501
PENDING FEE RULE**

Idaho State Department of Agriculture
2270 Old Penitentiary Road
P.O. Box 790, Boise, Idaho 83701
Phone: (208) 332-8503 / Fax: (208) 334-2170

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is August 1, 2005.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Sections 22-418(4) and 22-418(11), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than August 17, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule and a nontechnical explanation of the substance and purpose of the proposed rulemaking:

In order to eliminate debt and secure a solid financial footing for the Idaho State Seed Lab, additional service fee revenues in the amount of approximately \$100,000 will be required. The proposed rule will increase the fees for germination, purity, and tetrazolium testing for basic classes of seed, increase the hourly fee, and increase the fee for the Out-of-State Seed Dealer's License.

TEMPORARY RULE JUSTIFICATION: Pursuant to Sections 67-5226(1)(a) and (c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons: **Conferring a benefit; Without an increase in revenues, the Department may be forced to close or curtail the services of the Idaho State Seed Lab.**

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

Germination fees will increase by an average of \$3.85, purity fees by an average of \$5.05, and tetrazolium fees by an average of \$16.45. The rush fee will increase from \$20 to \$25. The hourly fee will increase from \$38.50 to \$40. The Out-of State Seed Dealer's License will increase from \$250 to \$350.

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DEPARTMENT OF AGRICULTURE Rules Governing the Pure Seed Law

Docket No. 02-0601-0501
PENDING FEE RULE

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year:

There will be no fiscal impact on the state general fund, but rather an anticipated positive impact to the Agriculture Department Inspection Account of approximately \$100,000 per year.

NEGOTIATED RULEMAKING: The Department conducted three informal negotiated rulemaking meetings with the seed industry. The Seed Lab Advisory Board and the Idaho-Eastern Oregon Seed Association have expressed their support for the proposed fee increases.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Thomas Dayley, Administrator, Plant Industries Division, or Nancy Stouffer, Bureau Chief, Idaho State Department of Agriculture, P. O. Box 790, Boise, Idaho, 83701. Phone: (208) 332-8620.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before August 24, 2005.

DATED this 23rd day of June, 2005.

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

000. ~~(RESERVED)~~ LEGAL AUTHORITY.

This chapter is adopted under the legal authority of Title 22, Chapter 4, Idaho Code, Sections 22-418(4) and 22-418(11). (8-1-05)T

(BREAK IN CONTINUITY OF SECTIONS)

002. ~~(RESERVED)~~ WRITTEN INTERPRETATIONS.

There are no written interpretations of these rules. (8-1-05)T

(BREAK IN CONTINUITY OF SECTIONS)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (8-1-05)T

005. OFFICE – OFFICE HOURS – MAILING ADDRESS AND STREET ADDRESS.

01. Office Hours. Office hours are 8 a.m. to 5 p.m. Mountain Time, Monday through

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Friday, except holidays designated by the state of Idaho. (8-1-05)T

02. Mailing Address. The mailing address for the central office is Idaho State Department of Agriculture, P. O. Box 790, Boise, Idaho, 83701. (8-1-05)T

03. Street Address. The central office is located at 2270 Old Penitentiary Road, Boise, Idaho 83712. (8-1-05)T

006. PUBLIC RECORDS ACT COMPLIANCE.

These rules are public records available for inspection and copying at the Department and the State Law Library. (8-1-05)T

~~004~~**007. -- 009.(RESERVED).**

010. DEFINITIONS.

The Department adopts the definitions set forth in Title 22, Chapter 4, Idaho Code, Section 22-414. (8-1-05)T

011. (RESERVED).

~~010~~**012. METHODS OF SAMPLING -- GENERAL PROCEDURE.**

01. Sample. In order to secure a representative sample, equal portions shall be taken from evenly distributed parts of the quantity of seed or screenings to be sampled. Access shall be had to all parts of that quantity. When more than one (1) trierful of seed is drawn from a bag, different paths shall be followed. When more than one (1) handful is taken from a bag, the handfuls shall be taken from well-separated points. (7-1-93)

02. Free Flowing Seed. For free-flowing seed in bags or bulk, a probe or trier shall be used. For small free-flowing seed in bags a probe or trier long enough to sample all portions of the bag shall be used. (7-1-93)

03. Non-Free Flowing Seed. Non-free-flowing seed, such as certain grass seed, uncleaned seed or screenings difficult to sample with a probe or trier, shall be sampled by thrusting the hand into the bulk and withdrawing representative portions. The hand is inserted in an open position and the fingers are held closely together while the hand is being inserted and the portion withdrawn. (7-1-93)

04. Composite Samples. Composite samples shall be obtained to determine the quality of a lot of seed (i.e., percentages of pure seed, other crop seed, weed seed, inert matter and germination). Individual bag samples may be obtained to determine if the lot of seed is uniform. (7-1-93)

a. To determine if there is an obvious lack of uniformity of seed from which a composite sample is being obtained, each portion shall be examined and the portions shall then be combined to form a composite sample or samples. (7-1-93)

b. If the lot is found not to be uniform when obtaining a composite sample to

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determine its quality then additional individual bag samples shall be taken for the purpose of testing for uniformity. (7-1-93)

c. Such individual bag samples may also be taken for the purpose of testing for uniformity even though a composite sample has not previously been obtained. The identity of each individual bag sample must be maintained. (7-1-93)

05. Bulk. Bulk seed or screenings shall be sampled by inserting a long probe or thrusting the hand into the bulk, as circumstances require, in at least seven uniformly distributed parts of the quantity being sampled. At least as many trierfuls or handfuls shall be taken as the minimum which would be required for the same quantity of seed or screenings in bags of a size customarily used for such seed or screenings. (7-1-93)

06. Bags. (7-1-93)

a. For lots of six (6) bags or less, each bag shall be sampled. A total of at least five (5) trierfuls shall be taken. (7-1-93)

b. For lots of more than six (6) bags, five (5) bags plus at least 10 percent (10%) of the number of bags in the lots shall be sampled. (Round off numbers with decimals to the nearest whole number, raising five tenths (.5) to the next whole number.) Regardless of the lot size it is not necessary that more than thirty (30) bags be sampled. (7-1-93)

c. Samples shall be drawn from unopened bags except under circumstances where the identity of the seed has been preserved. (7-1-93)

07. Packets. In sampling seed in packets, entire unopened packets shall be taken. (7-1-93)

08. Size of Sample. (7-1-93)

a. For composite sample to test for quality, the following are minimum weights for samples of seed to be submitted for analysis, test or examination (7-1-93)

i. Two (2) ounces (approximately fifty five (55) grams) of grass seed not otherwise mentioned, white or alsike clover, or seeds not larger than these. (7-1-93)

ii. Five (5) ounces (approximately one hundred fifty (150) grams) of red or crimson clover, alfalfa, lespedezas, ryegrasses, bromegrasses, millet, flax, rape, or seeds of similar size. (7-1-93)

iii. One (1) pound of Sudangrass, sorghum, proso, hemp seed, or seeds of similar size. (7-1-93)

iv. Two (2) pounds (approximately one thousand (1,000) grams) of cereals, vetches, or seeds of similar or larger size. (7-1-93)

b. For individual bag samples to test for uniformity. (7-1-93)

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DEPARTMENT OF AGRICULTURE Rules Governing the Pure Seed Law

Docket No. 02-0601-0501
PENDING FEE RULE

i. The size of any individual bag sample to determine uniformity in a lot of seed shall be not less than the quantities set out in the “Rules and Regulations, under the Federal Seed Act” (53 Statute 1275) (Subsection 201.46). (7-1-93)

ii. If the sample drawn is larger than desired, it shall be thoroughly mixed before it is divided to the desired size. (7-1-93)

09. Forwarding and Receipt of Official Samples. Before being forwarded for analysis test or examination, the containers of official samples shall be properly sealed and identified. The containers of official samples shall be initialed and dated and the sample weighed by the person who breaks the seals. (7-1-93)

~~04113.~~ -- 049.(RESERVED).

(BREAK IN CONTINUITY OF SECTIONS)

500. SERVICE TESTING FEES - PURITY, GERMINATION AND TETRAZOLIUM FEES.

~~041. Table 1. Purity, Germination and Tetrazolium Fees.~~

<i>Purity, Germination and Tetrazolium Fees</i>			
<i>Kind of Seeds:</i>	<i>Purity* \$/Unit</i>	<i>Germination** \$/Unit</i>	<i>Tetrazolium- \$/Unit</i>
<i>Alfalfa</i>	<i>16.00</i>	<i>14.00</i>	<i>24.50</i>
<i>Alkali grass</i>	<i>19.00</i>	<i>12.50</i>	<i>24.50</i>
<i>Asparagus</i>	<i>15.50</i>	<i>14.00</i>	<i>24.50</i>
<i>Beans:</i>			
<i>Field and Garden</i>	<i>13.00</i>	<i>14.00</i>	<i>22.00</i>
<i>Lima</i>	<i>12.50</i>	<i>19.00</i>	<i>22.00</i>
<i>Beardgrass (Bluestem)</i>	<i>42.00</i>	<i>22.00</i>	<i>27.50</i>
<i>Beets</i>	<i>19.50</i>	<i>22.00</i>	<i>30.00</i>
<i>Bentgrass and Red top</i>	<i>34.50</i>	<i>16.50</i>	<i>26.50</i>
<i>Bermuda grass</i>	<i>22.50</i>	<i>15.50</i>	<i>24.50</i>
<i>Blue Gama</i>	<i>26.00</i>	<i>19.00</i>	<i>24.50</i>
<i>Bluegrass</i>	<i>24.50</i>	<i>16.50</i>	<i>24.50</i>
<i>Brassica (Except Radish)</i>	<i>33.00</i>	<i>16.50</i>	<i>26.50</i>
<i>Brittlebrush</i>	<i>84.00</i>	<i>20.00</i>	<i>24.50</i>
<i>Bromegrass</i>	<i>25.50</i>	<i>14.00</i>	<i>24.50</i>

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DEPARTMENT OF AGRICULTURE Rules Governing the Pure Seed Law

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PENDING FEE RULE

<i>Purity, Germination and Tetrazolium Fees</i>			
<i>Kind of Seeds:</i>	<i>Purity* \$/Unit</i>	<i>Germination** \$/Unit</i>	<i>Tetrazolium- \$/Unit</i>
Canary-grass	19.00	13.00	24.50
Cane-Bluestem	42.00	22.00	27.50
Canola/Rapeseed	36.00	16.50	26.50
Cantaloupe	15.00	13.50	24.50
Carrot	15.50	14.50	24.50
Celery	17.50	14.00	24.50
Cereals (Except Oats)	19.50	14.00	24.50
Clovers:			
Red Clover	16.50	14.00	24.50
Other Clovers	16.00	14.50	24.50
Corn	15.50	14.00	20.00
Croosotebush	70.00	20.00	27.50
Cucumbers	15.00	13.50	24.50
Eggplant	15.00	13.50	24.50
Endive	15.00	14.00	24.50
Fescue	24.00	14.00	24.50
Flax	22.50	15.50	24.50
Green-Needlegrass	19.50	18.00	24.50
Indian-Ricegrass	19.00	18.00	24.50
Kochia	24.50	14.00	24.50
Leek	19.00	16.50	24.50
Lentil	15.00	14.00	24.50
Lettuce	15.50	14.00	24.50
Little/Small Burnet	16.50	15.50	24.50
Meadow-Foxtail	31.50	15.00	24.50
New Zealand Spinach	15.00	23.50	30.00
Oats	21.00	14.00	24.50
Oatgrass	19.00	12.50	27.50
Okra	28.00	15.50	24.50
Onion	15.50	14.00	24.50
Orchardgrass	27.50	15.50	24.50
Parsley	16.00	14.00	24.50
Parsnip	16.00	14.00	24.50

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<i>Purity, Germination and Tetrazolium Fees</i>			
<i>Kind of Seeds:</i>	<i>Purity* \$/Unit</i>	<i>Germination** \$/Unit</i>	<i>Tetrazolium- \$/Unit</i>
<i>Peas:</i>			
<i>Field and Garden</i>	15.00	14.50	22.00
<i>Chickpeas / Garbanzo</i>	13.00	18.50	22.00
<i>Pepper</i>	15.50	14.50	24.50
<i>Pumpkin</i>	15.00	14.00	24.50
<i>Radish</i>	16.00	14.00	24.50
<i>Rubber Rabbitbush</i>	84.00	24.00	24.50
<i>Ryegrass</i>	24.00	13.50 26.50***	24.50
<i>Sagebrush</i>	84.00	17.50	27.50
<i>Sainfoin</i>	16.00	14.50	24.50
<i>Saltbush</i>	53.50	16.00	27.50
<i>Senna</i>	54.00	20.00	27.50
<i>Squash</i>	15.00	14.00	24.50
<i>Sudangrass/Sorghum</i>	18.50	15.50	24.50
<i>Sunflower</i>	23.50	14.00	24.50
<i>Swiss Chard</i>	19.50	22.00	30.00
<i>Timothy</i>	18.50	13.50	24.50
<i>Tomato</i>	15.50	13.50	24.50
<i>Trefoil</i>	16.00	14.50	24.50
<i>Vetches</i>	16.50	14.00	24.50
<i>Watermelon</i>	15.00	14.00	24.50
<i>Wheatgrasses</i>	36.50	16.50	24.50
<i>Wheatgrass, fairway crested</i>	41.00	16.50	24.50
<i>Wild rye</i>	25.50	13.50	24.50
<i>Winterfat</i>	96.00	19.50	24.50

* All samples submitted for purity should contain a minimum of three thousand (3,000) seeds.

** All samples submitted for germination should contain a minimum of eight hundred (800) seeds.

*** With Fluorescence.

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DEPARTMENT OF AGRICULTURE
Rules Governing the Pure Seed Law

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<u>Purity, Germination, and Tetrazolium Fees</u>			
<u>Kind of Seeds</u>	<u>Purity*</u> <u>\$/Unit</u>	<u>Germination</u> <u>\$/Unit</u>	<u>Tetrazolium**</u> <u>\$/Unit</u>
<u>AGRICULTURAL GRASS SEED</u>			
<u>Bluegrasses</u>	<u>\$45.00</u>	<u>\$25.00</u>	<u>\$40.00</u>
<u>Brome-grasses</u>	<u>\$38.00</u>	<u>\$24.00</u>	<u>\$40.00</u>
<u>Fescues</u>	<u>\$35.00</u>	<u>\$22.00</u>	<u>\$40.00</u>
<u>Orchardgrass</u>	<u>\$38.00</u>	<u>\$25.00</u>	<u>\$40.00</u>
<u>Ryegrasses</u>	<u>\$38.00</u>	<u>\$23.00 ***</u>	<u>\$40.00</u>
<u>Timothy</u>	<u>\$28.00</u>	<u>\$23.00</u>	<u>\$40.00</u>
For all others the hourly rate will apply			
<u>FIELD SEED</u>			
<u>Alfalfa, clovers and trefoils</u>	<u>\$20.00</u>	<u>\$17.00</u>	<u>\$40.00</u>
<u>Cereals (Barley, Oats, Rice, Rye, Triticale and Wheat</u>	<u>\$25.00</u>	<u>\$17.00</u>	<u>\$40.00</u>
<u>Beans</u>	<u>\$18.00</u>	<u>\$16.00</u>	<u>\$40.00</u>
<u>Corn (all types)</u>	<u>\$20.00</u>	<u>\$17.00</u>	<u>\$40.00</u>
<u>Peas, and Lentils</u>	<u>\$18.00</u>	<u>\$17.50</u>	<u>\$40.00</u>
For all others the hourly rate will apply			
<u>VEGETABLES, FLOWERS AND HERB SEED</u>			
<u>Brassica (Canola, Cauliflower, Broccoli, Radish, etc.)</u>	<u>\$40.00</u>	<u>\$17.00</u>	<u>\$50.00</u>
<u>Beets and Swiss chard</u>	<u>\$29.00</u>	<u>\$32.00</u>	<u>\$40.00</u>
<u>Carrots, celery, dill and parsley</u>	<u>\$27.00</u>	<u>\$20.00</u>	<u>\$40.00</u>
<u>Curcubits (Squash, melons, etc.)</u>	<u>\$25.00</u>	<u>\$20.00</u>	<u>\$40.00</u>
<u>Flowers (Bachelors button, poppy, etc.)</u>	<u>\$40.00</u>	<u>\$25.00</u>	<u>\$50.00</u>
<u>Lettuce, tomato, and pepper</u>	<u>\$25.00</u>	<u>\$20.00</u>	<u>\$40.00</u>
<u>Onion and Chives</u>	<u>\$25.00</u>	<u>\$20.00</u>	<u>\$40.00</u>
For all others the hourly rate will apply			
<u>TREE AND SHRUB SEED</u>			
<u>Bitterbrush</u>	<u>\$40.00</u>	<u>\$30.00</u>	<u>\$50.00</u>
<u>Saltbush</u>	<u>\$60.00</u>	<u>\$30.00</u>	<u>\$50.00</u>
<u>Chokecherry and Woods' rose</u>	<u>\$25.00</u>	<u>\$60.00</u>	<u>\$60.00</u>
<u>Serviceberry, cliff-rose and mahogany</u>	<u>\$30.00</u>	<u>\$30.00</u>	<u>\$40.00</u>

AGRICULTURE AFFAIRS

DEPARTMENT OF AGRICULTURE Rules Governing the Pure Seed Law

Docket No. 02-0601-0501
PENDING FEE RULE

Purity, Germination, and Tetrazolium Fees			
Kind of Seeds	Purity* \$/Unit	Germination \$/Unit	Tetrazolium** \$/Unit
Trees (Firs, pines, spruces, etc.)	\$25.00	\$30.00	\$40.00
For all others the hourly rate will apply			
RANGE AND NATIVE SEED			
Bluestems and grammas	Hourly Rate	\$30.00	\$50.00
Globemallow and penstemons	\$40.00	\$30.00	\$50.00
Kochia and forage Kochia	\$30.00	\$30.00	\$40.00
Rushes and Sedges	Hourly Rate	\$30.00	\$50.00
Sagebrush and Rabbitbrush	Hourly Rate	\$30.00	\$40.00
Wheatgrasses, wildryes, and squirreltail	\$40.00	\$25.00	\$40.00
Winterfat	Hourly Rate	\$30.00	Hourly Rate
For all others the hourly rate will apply			

* Samples with high levels of impurities (i.e. other crops, weeds, multiple florets, inert materials) requiring more than one (1) hour analyst time for purity testing will be charged the standard hourly rate of forty dollars (\$40) for each additional hour.

** For all samples submitted for a TZ or Germination test requiring more than one (1) hour for cleaning and/or preparing will be charged at the standard hourly rate of forty dollars (\$40) for each additional hour.

*** With germination fluorescence testing thirty dollars (\$30).

(4-2-03)(8-1-05)T

501. SERVICE TESTING FEES - SPECIAL TESTS.

~~02. Table 2. Special Testing Fees.~~

Table 2: Special Testing Fees	
Test Procedures:	Fees \$/Unit
All States Noxious	425.00
Ammonia Test	33.00
Canada: Purity Germination	13.00 Added to purity fee 2.50 Added to germination fee
Cold Test	23.50
Crop & Weed Check	24.50

AGRICULTURE AFFAIRS

DEPARTMENT OF AGRICULTURE Rules Governing the Pure Seed Law

**Docket No. 02-0601-0501
PENDING FEE RULE**

Table 2. Special Testing Fees	
Test Procedures:	Fees \$/Unit
Cut Test	22.00
Dormancy Percentage	5.50 10.00 Minimum or Dormant % found x germination fee
E.C. Norms	20.00
Foreign Material	12.00
Grading (beans)	18.00
Hay Pellet Germination	18.00
Identification	3.50 5.00 Minimum or hourly if necessary
Inventory Germinations (For Carryover Seed Only, when requested)	20% Discount of listed germination fee; Available only for the months of March through July.
ISTA: Purity Germination	13.00 Added to purity fee 2.50 Added to germination fee
Mixtures: Purity Germination Tetrazolium	12.50 Added per kind exceeding 5% 12.50 Added per kind exceeding 5% 18.00 Added per kind exceeding 5%
Moisture Test	14.00
4,000 Seed Count	13.50
Pest, Disease, Soil & Ergot Check	13.50
Quarantine (Poa annua & Poa trivialis)	20.50
Sod Quality: Bentgrass Bermudagrass Bluegrass	66.00 64.00 64.00
Soil Germination	23.50
Species Test Exam	24.50
Sprout Check	12.00
Undesirable Grass Species	25.50

~~(4-2-03)~~(8-1-05)T

502. SERVICE TESTING FEES - MISCELLANEOUS FEES.

03. Table 3. Miscellaneous Fees.

AGRICULTURE AFFAIRS

DEPARTMENT OF AGRICULTURE Rules Governing the Pure Seed Law

**Docket No. 02-0601-0501
PENDING FEE RULE**

Table 3- Miscellaneous Fees	
Type of Service:	Fees \$/Unit
Administrative Charge per Test for Internet Access and Data Processing.	Not to exceed \$2.00 per test
FAX	\$ 3.00 per sheet
Hourly Charge for Analysis	\$ 38.50 <u>40.00</u>
Preparation Time	\$ 38.50/Hour: When necessary on germination and tetrazolium samples.
Reports:	
Copies	\$ 1.50
Merge Records	\$ 4.00
Retyped	\$ 4.50
Revised	\$ 7.00
Rush Service	\$ 20.00 <u>25.00</u>

~~(3-24-05)~~(8-1-05)T

~~501~~503. -- 599.(RESERVED).

600. SEED DEALER'S LICENSE FEES.

Seed dealers shall obtain a seed dealer's license for each location in Idaho before they can sell, offer for sale, expose for sale or deliver agricultural seeds in packages of eight (8) ounces or more or bulk under contract within the state of Idaho. Seed dealers shall pay only for the service or services they render according to the following fee schedule: (3-18-99)

- 01. In-State Seed Dealer's License Fees:** (4-2-03)
 - a.** License to condition or clean agricultural seeds in Idaho - one-hundred dollars (\$100). (4-2-03)
 - b.** License to label container or bulk agricultural seeds for sale in Idaho - fifty dollars (\$50). (4-2-03)
 - c.** License to sell, offer for sale, expose for sale, or deliver agricultural seeds in packages of eight (8) ounces or more or in bulk under a contract in Idaho: (4-2-03)
 - i.** For annual gross sales of five hundred dollars (\$500) or more, but less than one thousand dollars (\$1,000) - fifty dollars (\$50). (4-2-03)
 - ii.** For annual gross sales of one thousand dollars (\$1,000) or more - one hundred dollars (\$100). (4-2-03)

AGRICULTURE AFFAIRS

DEPARTMENT OF AGRICULTURE
Rules Governing the Pure Seed Law

Docket No. 02-0601-0501
PENDING FEE RULE

02. Out-of-State Seed Dealer's License Fee. ~~Two~~ Three hundred fifty dollars
(\$~~23~~50). ~~(4-2-03)~~(8-1-05)T

03. Exemptions. (3-24-05)

a. Any person selling seed who has total annual gross seed sales not exceeding five hundred dollars (\$500) is exempt from Section 600. (3-24-05)

b. An in-state dealer or out-of-state dealer who sells, offers for sale, exposes for sale or delivers seed only in packages of less than eight (8) ounces is exempt from Section 600. (3-24-05)

AGRICULTURE AFFAIRS

IDAPA 11 - IDAHO STATE POLICE

11.02.01 - RULES OF THE IDAHO STATE BRAND BOARD

DOCKET NO. 11-0201-0501 (FEE RULE)

NOTICE OF RULEMAKING - PENDING FEE RULE

EFFECTIVE DATE: This rule has been adopted by the agency and is now pending review by the 2006 Idaho State Legislature for final approval. Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking. The rule becomes final and effective upon adoption of the concurrent resolution or upon the date specified in the concurrent resolution.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that this agency has adopted a pending rule. The action is authorized pursuant to Section(s) 25-1160(a), Idaho Code.

DESCRIPTIVE SUMMARY: The following is a concise explanatory statement of the reasons for adopting the pending rule and a statement of any change between the text of the proposed rule and the text of the pending rule with an explanation of the reasons for the change.

The rule change raises the brand inspection fee from \$.75 to \$.84, and the livestock pasture fee from \$.38 to \$.42. The Idaho Brand Board has not had a fee increase since FY92 (Fiscal Year 1992). Our cost of doing business has increased. For example: Comparing FY92 to FY05, we have had a 214% increase in employee benefits. Estimated increase for FY06 is 244%. Fuel costs for FY04 were up 59% compared to FY99. Our head count is a little lower, however, but still not enough to reduce our work force more than we already have and maintain adequate service to the livestock industry.

The pending rule is being adopted as proposed. The complete text of the proposed rule was published in the January 5, 2005 Bulletin, Vol. 05-1, Page 68 and 69.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased. This fee or charge is being imposed pursuant to Section 25-1160(a) Idaho Code. Increase cattle brand inspection fee \$.09, and cattle pasture fee \$.04.

Pursuant to Section 67-5224(5)(c), Idaho Code, this pending rule will not become final and effective until it has been approved, amended, or modified by concurrent resolution of the legislature because of the fee being imposed or increased through this rulemaking.

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year: Not applicable. Fee increase for Dedicated Fund 0229-15.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this pending rule, contact Larry A. Hayhurst at 208-884-7070.

AGRICULTURE AFFAIRS

IDAHO STATE POLICE
Rules of the Idaho State Brand Board

Docket No. 11-0201-0501 (Fee Rule)
PENDING RULE

DATED this 9th day of August, 2005.

The Following Notice Was Published With The Correction To Temporary Rule

CORRECTION: This notice corrects a typographical error made by the Office of Administrative Rules during the publication of the January 5, 2005, Idaho Administrative Bulletin, Volume 05-1. In the Notice of Rulemaking - Temporary and Proposed Rule, published under Docket No. 11-0201-0501, the temporary effective date that was shown in the Effective Date Section of the Notice was the correct date, October 18, 2004. However, the effective date printed in Subsection 034.01 was incorrectly printed as November 8, 2004. This effective date has been corrected in both electronic versions of the Idaho Administrative Bulletin and the Idaho Administrative Code to reflect the October 18, 2004 temporary effective date as submitted by the agency.

EFFECTIVE DATE: The effective date of this temporary rule is October 18, 2004.

AUTHORITY: In compliance with Sections 67-5204, 67-5221(1), and 67-5226, Idaho Code, notice is hereby given that the Office of the Administrative Rules Coordinator is correcting a typographical error that occurred during the publication of the January 5, 2005, Idaho Administrative Bulletin, Volume 05-1.

DESCRIPTIVE SUMMARY: The following is a non-technical explanation of the correction being made:

The temporary effective date published under Docket No. 11-0201-0501 in the January 5, 2005, Idaho Administrative Bulletin, Volume 05-1, was incorrectly transcribed in the text of the rule in Subsection 034.01. The temporary effective date in the text of the rule has been corrected from (11-8-04)T to (10-18-04)T.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this correction notice, contact Dennis Stevenson at (208) 332-1820.

DATED this 27th day of December, 2004.

Dennis R. Stevenson
Administrative Rules Coordinator
Office of the Administrative Rules Coordinator
Department of Administration
P.O. Box 83720

AGRICULTURE AFFAIRS

IDAHO STATE POLICE
Rules of the Idaho State Brand Board

Docket No. 11-0201-0501 (Fee Rule)
PENDING RULE

Boise, ID 83720-0306
Phone: (208) 332-1820
Fax: (208) 332-1896

The Following Notice Was Published With The Temporary And Proposed Rule

EFFECTIVE DATE: The effective date of the temporary rule is October 18, 2004.

AUTHORITY: In compliance with Sections 67-5221(1) and 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule, and proposed rulemaking procedures have been initiated. The action is authorized pursuant to Section(s) 25-1160(a), Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be scheduled if requested in writing by twenty-five (25) persons, a political subdivision, or an agency, not later than January 19, 2005.

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

The rule change raises the brand inspection fee from \$.75 to \$.84, and the livestock pasture fee from \$.38 to \$.42. The Idaho Brand Board has not had a fee increase since FY92 (Fiscal Year 1992). Our cost of doing business has increased. For example: Comparing FY92 to FY05, we have had a 214% increase in employee benefits. Estimated increase for FY06 is 244%. Fuel costs for FY04 were up 59% compared to FY99. Our head count is a little lower, however, but still not enough to reduce our work force more than we already have and maintain adequate service to the livestock industry.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Due to the cyclical nature of fee collections, it is necessary to increase the fees for cattle brand and livestock pasture inspections in this temporary rule. The increases are necessary to meet current business costs and to protect the public health, safety, and welfare.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

Increase cattle brand inspection fee \$.09, and the livestock to pasture fee \$.04 - Section 25-1160(a), Idaho Code.

NEGOTIATED RULEMAKING: Pursuant to IDAPA 04.11.01.811, negotiated rulemaking was

AGRICULTURE AFFAIRS

IDAHO STATE POLICE
Rules of the Idaho State Brand Board

Docket No. 11-0201-0501 (Fee Rule)
PENDING RULE

not conducted.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the temporary and proposed rule, contact Larry A. Hayhurst at 208-884-7070.

Anyone may submit written comments regarding the proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before January 26, 2005.

DATED this 19th day of November, 2004.

Larry A. Hayhurst
State Brand Inspector
Idaho Brand Board
P. O. Box 1177
Meridian, ID 83680-1177
208-884-7070 / Fax 208-884-7097

THE FOLLOWING IS THE TEXT OF THE PENDING RULE

034. SCHEDULE OF FEES FOR THE IDAHO STATE BRAND BOARD.

01. Fees. Fees authorized by the State Brand Board and to be collected by the State Brand Inspector are as follows:

SCHEDULE OF FEES		
Recording of a Brand	\$50 initial recording fee plus a \$10 per year prorated staggered renewal fee every year thereafter	
Transfer of a recorded brand	\$25.00	
Renewal of a recorded brand (Every five years)	\$50.00	
Duplicate brand registration certificate	\$ 1.50	
Ownership and transportation certificate	\$25.00	
Duplicate ownership and transportation certificate	\$ 5.00	
Annual inspection equine or bovine	\$ 5.00	
	CATTLE	HORSES
Brand inspection (per head)	\$.75 <u>.84</u>	\$ 1.50
Idaho livestock to pasture (per head)	\$.38 <u>.42</u>	\$.75
Minimum auction fee	\$50.00	\$50.00

AGRICULTURE AFFAIRS

IDAHO STATE POLICE
Rules of the Idaho State Brand Board

Docket No. 11-0201-0501 (Fee Rule)
PENDING RULE

SCHEDULE OF FEES		
Minimum field brand inspection fee	\$10.00	\$10.00
Courtesy brand inspection	\$.75 <u>.84</u>	\$ 1.50

Fees To Be Collected By The State Brand Inspector For Other State Agencies:	
Idaho Beef Council (per head)	\$1.00
Idaho Horse Board (per head)	\$3.00
Idaho Department of Agriculture:	
Animal health (per head)	\$.22
Predator control (per head)	\$.04

~~(3-13-02)~~(10-18-04)T

02. Due and Payable. Pursuant to Section 25-1160(5), Idaho Code, all brand inspection fees, and all other fees required to be collected by the Brand Inspector are due and payable at the time of inspection, except that livestock owners may make arrangements with a deputy brand inspector to pay for all accumulated brand inspection fees within each seven (7) day period. Failure to comply with this rule will cancel the previously approved schedule and shall make all fees immediately due and payable. Feedlots, currently approved by the Idaho Department of Agriculture, and slaughter plants are exempt from the minimum brand inspection fee. Other minimum brand inspection fees may be waived at the discretion of the State Brand Inspector or District Brand Supervisor. (3-30-01)